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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT

Third periodic reports of States parties due in 1995

Addendum

CAMEROON*

[6 March 1997]

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* For the second report submitted by the Government of Cameroon, see document CCPR/C/63/Add.1; for its consideration by the Committee, see CCPR/C/SR.1306-1308 and Official Records of the General Assembly, Forty-ninth session, Supplement No. 40 (A/49/40), paras. 183-208.

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Introduction

1. The International Covenant on Civil and Political Rights and its Optional Protocol were ratified on 27 June 1984. Since then and, in accordance with the relevant provisions of Cameroonian legislation, both instruments, like any other duly ratified and promulgated rules of international law, have entered into force in Cameroon and take precedence over internal law in the hierarchy of provisions.

2. The second report submitted by the Government of the Republic of Cameroon on 30 and 31 March 1994 at United Nations Headquarters in New York under article 40, paragraph 1, focused on defining the general legal framework for civil and political rights in Cameroon. This framework consists of internal law provisions and international legal instruments which have been incorporated into Cameroonian internal law.

General

3. This report, which supplements and updates the second report (CCPR/C/63/Add.1), has been prepared in accordance with the guidelines established by the Human Rights Committee at its fiftieth session. It covers the institutional and legal framework within which the Covenant is implemented, the state of emergency, non-discrimination and protection of the family and children (I); the right to life, liberty and security of person, the treatment of detainees and other persons deprived of their liberty and the right to a fair trial (II); and the right to privacy, freedom of religion, opinion and expression, the right to take part in the conduct of public affairs and the rights of minorities (III).

I. INSTITUTIONAL AND LEGAL FRAMEWORK WITHIN WHICH THE COVENANT IS IMPLEMENTED, THE STATE OF EMERGENCY, NON-DISCRIMINATION AND PROTECTION OF THE FAMILY AND CHILDREN

4. Since a multi-party system was introduced in 1990, no factors or difficulties impeding the application of the Covenant and of the Optional Protocol have come to our attention.

A. The National Committee for Human Rights and Freedoms

Composition

5. The National Committee for Human Rights and Freedoms (CNDHL), which was established by Presidential Decree No. 9P-1459 of 8 November 1990, is a heterogenous body that has distinguished itself by a wealth of activity relating to the functions assigned to it. Under the Decree, CNDHL has 41 members, including a Chairman (an independent public figure), 22 regular members and 18 alternate members who are appointed by and originate from the various social categories, as indicated in the following table:

Social category	Regular members	Alternate members
Government	3	3
Supreme Court	2	2
Political parties	3	3
Bureau	2	2
Legal profession	2	2
Religious organizations	4	-
Economic and Social Council	1	1
Journalists	2	2
Women's organizations	2	2
Local authorities	1	1
TOTAL	22	18

Functions

6. Under article 2 of the Decree of 8 November 1990 setting up CNDHL, its mandate is to defend and promote human rights and freedoms. Accordingly:

(a) It receives all complaints concerning cases of violations of human rights and freedoms;

(b) It conducts any necessary inquiries and investigations into violations of human rights and freedoms and reports on them to the President of the Republic;

(c) It draws the attention of the authorities to violations of human rights and freedoms;

(d) It may, if necessary, visit any penal establishments and police or gendarmerie stations in the presence of the Public Prosecutor or his representative. Reports on these visits may be sent to the competent authorities;

(e) It proposes measures to the authorities to be taken in the field of human rights and freedoms;

(f) It publicizes, by all possible means, instruments relating to human rights and freedoms;

(g) It coordinates, as necessary, the activities of non-governmental organizations wishing to participate in its work and whose aim is to help defend and promote human rights and freedoms in Cameroon.

Recent activities

7. In addition to its strictly administrative activities, CNDHL carries out work which helps to promote and protect human rights and freedoms, such as educating the general public. A number of seminars have been organized under its auspices throughout Cameroon for the administrative, police and military authorities.

(a) Since October 1995, CNDHL has put up 76,000 posters throughout the country on the fundamental rights guaranteed by the 1948 Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights;

(b) Since its establishment, CNDHL has participated in many international meetings on human rights, including the World Conference on Human Rights held in Vienna in 1993 and the First Tricontinental Conference of Institutions for the Protection and Promotion of Human Rights, held from 7 to 9 November 1995 in Spain; in December 1995, it visited China at the invitation of the Government of China to familiarize itself with the human rights situation there;

From 5 to 7 February 1996, CNDHL organized an African regional conference on human rights in Yaoundé at which the United Nations, the Organization of African Unity and the Centre for Human Rights in Geneva were also represented;

(c) CNDHL visits penal establishments such as Kodengui, Yoko, Mantum and Tcholliré and conducts spot checks of gendarmerie and police station cells.

B. Dissemination of the rights recognized by the Covenant and the first Optional Protocol

8. Cameroon is bilingual and English and French have been its official languages since 1961. This bilingualism has been provided for in all of the Constitutions Cameroon has adopted since then. All official documents are drafted, printed and published in both languages. Naturally, the texts of the ratification of the Covenant and the first Optional Protocol were publicized in both languages in Cameroon, particularly when they were solemnly adopted by the National Assembly, when their promulgation was widely publicized by the President of the Republic and when they were published in the Official Gazette.

C. Information for the general public on the consideration of Cameroon's report by the Human Rights Committee

9. The consideration of the report of Cameroon by the Human Rights Committee was brought to the public's attention by the Government itself. One of the provisions of the Covenant requires States parties to submit periodic reports to the Human Rights Committee on the human rights situation. Cameroon, which acceded to the Covenant without reservation, is bound by this obligation. The widely reported statements made by officials of human rights

associations and their criticism of the Government in connection with violations of human rights have also helped inform public opinion about the Committee's consideration of Cameroon's report on human rights.

10. The many public seminars on human rights organized by the ministries of Justice, Administration and Territorial Development, Defence and Foreign Affairs for administrative, judicial and police personnel were preceded and followed by broad media coverage and have also allowed public opinion to be kept informed of the Committee's consideration of Cameroon's report.

11. Outreach programmes on the law broadcast by national television and radio, such as "Anteene Libre", "Le Verdict", "l'Heure H" and "Ligues Ouvertes", have not only contributed to the large-scale campaign to publicize the Covenant and its first Optional Protocol, but have also helped inform the general public of the Committee's consideration of Cameroon's report.

D. Information on prejudices that undermine equality between men and women; remedial measures

12. The causes of the prejudices that continue to undermine the constitutional principle of the equality of all citizens and, consequently, of equality between men and women are to be found, inter alia, in culture, upbringing and schooling. To varying degrees, the cultural and religious foundations of most African peoples establish a more or less clear-cut hierarchy between men and women. Cameroonian society is no exception, particularly in the south, where Islam is deeply rooted. It is customary to sacrifice young girls' education to that of young boys.

13. Social and economic circumstances should not be overlooked. Although the proportion of economically active women, which is about 31 per cent of the 51 per cent of Cameroon's population that is female, seems quite high, the overwhelming majority of women are to varying degrees financially dependent on men.

14. In order to change these trends, the State rigorously applies the principle of equal access to the civil service and of equal pay for equal work, etc. It should also be mentioned that women themselves are in the forefront of the struggle for equality between men and women. They have set up various pressure groups, such as the Association of Women Jurists, the Association for the Advancement of Women and the Association to Combat Violence against Women, as well as other associations responsible for a variety of measures to gain widespread acceptance for the principle of equality between men and women. In addition, the commemoration each year of International Women's Day offers women an opportunity to express and publicize their concerns and above all to assess the progress made.

15. They are assisted in this task by the weekly slots on specialized radio programmes such as "Le droit au féminin" (A Woman's View of the Law), which enable them to discuss issues linked to equality between men and women in Cameroon.

E. The state of emergency in Cameroon since the initial report

(a) The periods in question

16. The state of emergency, which is an integral part of emergency legislation, is a regime that places particularly severe restrictions on public freedoms. It may be decreed for a renewable three-month period (six months prior to December 1990) in all or part of the national territory. Under the state of emergency, ordinary power for maintaining public order is extended to the local civilian authorities.

17. Since August 1988, when the initial report was submitted, a state of emergency has been decreed only once, although it has been automatically renewed on certain parts of the national territory where it was already in force. Since the abortive April 1984 coup d'état, the department of Mfoundi, whose capital is Yaoundé, where the Republic's institutions are located, has been under a state of emergency. Nord-Ouest province was under a state of emergency for two months, i.e. from the end of October to the end of December 1992, following the publication by the Supreme Court of the results of the 11 October 1992 presidential election.

(b) The measures adopted

18. A state of emergency is usually decreed to restore public order when it has been disturbed or threatened. As a result of the increased powers of the police, individual public rights and freedoms are substantially diminished.

19. All the individual freedoms provided for in the preamble to the Constitution are reduced. The Ministry of Territorial Administration and the heads of the administrative districts may establish protection or security zones, regulate stays by visitors, take persons into custody and carry out searches. All these measures were introduced in Bamenda after the 1992 presidential elections.

20. Meetings were prohibited and any publications suspected of disturbing public order were seized or suspended.

II. THE RIGHT TO LIFE, LIBERTY AND SECURITY OF PERSON, THE TREATMENT OF DETAINEES AND OTHER PERSONS DEPRIVED OF THEIR LIBERTY, THE RIGHT TO A FAIR TRIAL

A. Rules and regulations governing the use of weapons by the security forces

21. The texts governing the use of weapons by the security forces fall into four categories: texts embodying the principles (the Penal Code), texts applicable to all law enforcement officials, texts specific to the armed forces and texts specific to the national gendarmerie.

(a) Texts embodying the principles: the Penal Code

Under criminal law, there are three circumstances justifying the use of weapons:

(i) Law enforcement (art. 76 of the Penal Code): "An act ordered or authorized by the law and committed in accordance with the law shall not constitute an offence".

(ii) Obedience to lawful authority (art. 83 of the Penal Code): "Criminal responsibility may not arise out of an act committed on the orders of a competent authority to whom obedience is lawfully due.

However, the provisions of the preceding subparagraph do not apply if the order is manifestly unlawful".

(iii) Self-defence (art. 84 of the Penal Code): "Criminal responsibility may not arise out of an act made necessary by an urgent need to defend oneself or another person or to uphold one's own rights or the rights of another against an unlawful attack, provided that the means of defence is in proportion to the seriousness of the attack.

Homicide is always proportional to an attack that gives rise to a well-founded fear of death, serious injury as defined by the present Code, rape or sodomy".

(b) Texts applicable to all law enforcement officials

(i) Decree No. 70/DF/264 of 4 June 1970 on internal State security. This text stipulates, inter alia, that weapons may also be used without an order from the authorities during military operations against "rebel gangs in the areas where the state of emergency has been proclaimed";

(ii) Article 37 of the Act of 30 June 1981 on the requisition of law enforcement officials by the civilian authorities;

(iii) Article 38 of the Act of 30 June 1981 determining cases in which law enforcement officials are authorized to use weapons.

(c) Texts specific to the armed forces

Articles 22 and 24 of the Decree on Garrison Service specify the action to be taken by the head guard, sentries and orderlies in response to attacks on outposts, particularly with regard to the use of weapons.

(d) Texts specific to the national gendarmerie

(i) Article 62 of Decree No. 60-280 on general regulations relating to service in the national gendarmerie:

"Except in the cases provided for by article 163 of this Decree, and where judicial or administrative authorization is lacking, military personnel serving in the national gendarmerie may use weapons only in the following circumstances:

If they are the victims of violence or assault (self-defence);

If they have no other means of defending the ground they are occupying or the outposts or persons under their responsibility;

In connection with searches for offenders."

(ii) Article 109 of Decree No. 60-280:

"In the absence of the civilian authorities, who must then issue a special order, military personnel serving in the gendarmerie may use weapons (knives, firearms or explosive devices) only in the cases listed in article 62 of this Decree".

B. Violations of these rules and regulations - measures taken against the persons responsible

22. The sporadic incidents involving violations of these rules and regulations that took place between 1990 and 1992 were primarily the result of the social and political tension created by the introduction of the multi-party system in Cameroon. The persons found guilty were given administrative sentences and legal proceedings were instituted against them.

23. In order to prevent such incidents from occurring again, senior military officials have issued instructions to commanding officers in order to draw the attention of military personnel to the need to respect human rights. The military authorities have also prepared manuals and training guidelines on:

International humanitarian law and the law of war; and

International humanitarian law in the context of law enforcement operations.

C. Complaints lodged by persons deprived of their liberty concerning acts of torture and other inhuman or degrading punishment or treatment

24. Since April 1988, many complaints concerning acts of torture and other inhuman or degrading punishment or treatment have been lodged by persons deprived of their liberty. In response, the authorities have not been inactive. A circular dated 21 June 1993 and supplementing that issued on 18 November 1985 by the Secretary of State for Internal Security deals in detail with matters such as incidents occurring during custody or ill-treatment and inhuman treatment in police stations.

25. Whether they are attributable to ignorance or are committed deliberately, blatant violations of these provisions are punished at two levels. At least 325 police officers of all ranks were punished for human rights violations between 1990 and 1995. In addition, special training sessions on human rights are occasionally organized for members of the police force.

D. Information on difficulties deriving from inadequate separation of detainees in detention centres

26. The police force now has more than 100 police stations where people are called in for questioning, placed in custody or arrested. They are located throughout the national territory, especially in the major towns, and cater for a population of more than 12 million. One police station for every 100,000 persons is disproportionate and gives rise to difficult and complex management problems caused mainly by infrastructure and logistics.

27. With regard to infrastructure, police stations do not have enough lockups, which are cramped and unhealthy and provide no separation between men, women and minors. Most of them were built during the colonial period for up to 50 persons, but they now house a prison population that is far beyond their capacity. Conditions are inevitably unhealthy and overcrowded.

28. In addition, Cameroon's present difficult economic situation, which is characterized by a liquidity shortage, does not hold out any hope of a prompt solution to these problems of logistics and infrastructure. Detainees provide their own food and pay for their own medical care when they fall ill.

E. Legal provisions relating to administrative custody

These provisions fall into three categories:

(a) Place of detention

29. It is prohibited to take anyone to or hold anyone in a place of detention that has not been lawfully designated by the competent authorities for use as a custodial centre, court or prison (art. 55 of Decree No. 20-280). It should be pointed out that the lockups in gendarmerie barracks are classified by law as places of detention.

(b) Deadline for bringing a person before the authorities

30. Any person arrested either flagrante delicto or under a warrant must immediately be brought before the competent authority (art. 106 of the Code of Criminal Investigation).

31. In practice, however, the gendarmerie has the right to hold persons arrested flagrante delicto or under a court order or warrant in custody for 24 hours in order to take down statements and complete the formalities necessary for their transfer.

32. Under article 9 (amended) of the Code of Criminal Investigation and article 85 of Decree No. 60-280, moreover, judicial police officers are allowed, when arresting persons flagrante delicto, to request that the period of custody should be renewed up to three times for the purposes of the investigation.

33. Under article 4, paragraph 9, of Ordinance No. 72-13 of 26 August 1972 on the state of emergency, the competent administrative authorities may "order

persons considered to be a danger to public security to be held in any premises, including special sections of penal establishments, for up to one week. Upon expiry of this period, they shall be automatically released unless the measure has been confirmed as provided for in article 5".

(c) Behaviour towards persons arrested

34. The use of violence without just cause in carrying out an arrest is prohibited (art. 137 of Decree No. 60-280 and art. 132 (1) of the Penal Code). The penalty is six months' to five years' imprisonment. The penalty of the loss of rights provided for in article 30 of the Penal Code may also be imposed.

F. Guarantees of the independence and impartiality of the judiciary

35. The independence and impartiality of the judiciary are constitutional, statutory and legal guarantees. Article 36, paragraph 2, of the Constitution of 2 June 1972, as amended in December 1995, provides for the existence of a judiciary in Cameroon.

(a) The independence of the judiciary

36. With regard to the independence of the judiciary, it should be noted that judges:

Are recruited by a special procedure;

Are appointed by decision of the Supreme Council of the Judiciary;

Cannot be removed from office;

Are subject to a special disciplinary regime.

The Supreme Council of the Judiciary is consulted whenever a judge faces charges. Judges are thus not covered by ordinary law system.

The protection given to them is outside the scope of ordinary law. In other words, if a judge commits a crime, the Supreme Court decides which court has jurisdiction to try him;

Violence against judges is severely punished;

When they take the oath of office, judges adopt their own code of conduct, from which they must not depart;

Judges are subject to certain peremptory prohibitions, including the prohibition on taking part in political debate. They must therefore not get involved in political matters;

The profession of judge is incompatible with any other political or private activity.

(b) The impartiality of the judiciary

37. Article 36 of the Constitution provides that justice is done throughout the territory of the Republic in the name of the Cameroonian people.

The obligation of judges to safeguard the secrecy of investigations and proceedings guarantees their neutrality;

Judges are prohibited from hearing certain cases, particularly those which involve a parent or a parent-in-law or in which they may be suspected of bias.

G. Jurisdiction of the military court

(a) Jurisdiction "ratione loci"

38. The Yaoundé military court has jurisdiction throughout the Republic of Cameroon, in conformity with article 1 of Ordinance No. 72-5 of 26 August 1972. However, its jurisdiction applies in particular in Centre, Sud and Est provinces (decision No. 9 of 25 April 1984). The Douala military court exercises jurisdiction over Littoral province (Decree No. 76-346 of 14 August 1976). The Buéa military court covers Sud-Ouest province Decree No. 76-468 of 3 October 1983). The Bafoussam military court covers Ouest and Nord-Ouest provinces (Decree No. 76-468 of 3 October 1983). The Garoua military court covers Nord, Extrême-Nord and Adamaoua provinces (Decree No. 83-469 of 3 October 1983).

(b) Jurisdiction "ratione personae"

39. The following are subject to the jurisdiction of the military courts:

Cameroonians or aliens (unless an international agreement provides for exemption from jurisdiction and subject to the rules of diplomatic immunity);

Military personnel: whether or not civilians are co-defendants or accessories;

Civilians aged over 18.

(c) Jurisdiction "ratione materiae"

40. The military court has the following jurisdiction:

Over military and comparable personnel for specifically military offences (Code of Military Justice) and offences of all kinds committed by military personnel, either inside a military establishment or in the line of duty;

Over all citizens for offences committed with the assistance or complicity of military or comparable personnel in a region under a state of emergency.

Over all offences associated with those referred to above.

III. THE RIGHT TO PRIVACY, FREEDOM OF RELIGION AND EXPRESSION, THE RIGHT TO TAKE PART IN THE CONDUCT OF PUBLIC AFFAIRS, THE RIGHTS OF MINORITIES

41. There are several kinds of minorities in Cameroon, ethnic, tribal, linguistic and cultural.

42. In linguistic terms, there is an English-speaking minority in Cameroon. However, all of Cameroon's Constitutions from that of 1961 to that of 1972 have provided for English-French bilingualism and underscored the equality of the two officially spoken languages. Article 1, paragraph 2, of the Constitution of 2 June 1972, as amended in 1995, goes even further and refers to the protection and promotion of the national languages, without excluding either one or ranking one higher than the other. Moreover, the preamble to the Constitution stipulates that the Cameroonian people is proud of its cultural, tribal and linguistic diversity.

43. The preamble also provides that Cameroon is a secular State in which the independence and neutrality of the State with regard to all religions are guaranteed. Freedom of worship and political freedom are also guaranteed. There is, of course, no State religion in Cameroon, much less a religious monopoly, even though in sociological terms Islam and the Catholic and Protestant branches of Christianity predominate. Worshippers of the different faiths in Cameroon are recruited from among all segments of society and ethnic groups.

44. However, all religions are required to respect public order. The decision in the case brought by Eitel Mouelle Koulla (a Jehovah's Witness) against the State of Cameroon lays down the principles of freedom of religion in Cameroon.

45. The desire of the authorities to encourage the advancement of all ethnic groups is also a feature of Cameroonian life. Considerable efforts have been made to integrate the Pygmies, a minority ethnic group, into national life without impairing their identity.